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No. 86-1880

IN THE
Supreme Court of the United States
OCTOBER TERM, 1987

SPRENGER, OLSON & SHUTES P.A., and
DAVIS, MINER, BARNHILL & GALLAND,
Petitioners,

v.

BURLINGTON NORTHERN RAILROAD COMPANY,
Respondent.

On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

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BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI

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Dated: July 21, 1987

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QUESTIONS PRESENTED

1. Did the court of appeals err in affirming the district court's conclusion that petitioners failed to prove this was one of those "selected" cases in which an addition to the $2.18 million lodestar fees award was warranted?

2. Did the court of appeals err in affirming the district court's conclusion that petitioners had not met their burden of showing that the risk of contingency justified an enhanced fees award?

3. Did the lower courts err in not accepting petitioners' argument that risk enhancement is required for fees awards in *all* successful contingent representations?

4. Did the court of appeals err in affirming the district court's finding that the settlement in this case did not constitute "exceptional" relief and thus did not justify fees enhancement?

LIST OF CORPORATE AFFILIATES AND SUBSIDIARIES

Burlington Northern Railroad Company:

- The Belt Railway Company of Chicago
- Camas Prairie Railroad Company
- Davenport, Rock Island and North Western Railway Company
- The Denver Union Terminal Railway Company
- Galveston Terminal Railway Company
- Houston Belt & Terminal Railway Company
- Iowa Transfer Railway Company
- Kansas City Terminal Railway Company
- Keokuk Union Depot Company
- The Lake Superior Terminal and Transfer Railway Company
- Longview Switching Company
- The Minnesota Transfer Railroad Company
- Paducah & Illinois Railway Company
- Portland Terminal Railroad Company
- The Saint Paul Union Depot Company
- Terminal Railroad Association of St. Louis
- Trailer Train Company
- The Wichita Union Terminal Railway Company
- Winona Bridge Railway Company

The El Paso Company:

- El Paso Natural Gas Company:
  - El Paso Development Company:
    - Lake Country Windjammer, Inc.:
      - Adams Canyon Ranch
      - Santa Paula Farms
  - El Paso Hydrocarbons Company:
    - Minera San Pedro Corralitos, S.A.

Meridian Petroleum Holding, Inc:

Meridian Oil, Inc. (formerly Milestone Petroleum, Inc.):

Butte Pipe Line Company
Portal Pipe Line Company

New Mexico and Arizona Land Company:

NZ Development Corp.
NZ Properties, Inc.

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Respondent Burlington Northern Railroad Company ("BN") asks this Court to deny the petition for a writ of certiorari seeking review of the judgment of the United States Court of Appeals for the Seventh Circuit.

COUNTERSTATEMENT

The decision below upholds the district court's award of $2.18 million in attorneys fees to petitioners for their work on a Title VII class action. That award represented petitioners' "lodestar" fees, the district court having found after a three-day hearing that the evidence did not show that "exceptional" success had been achieved, and did not demonstrate that the risk of the representation justified fees enhancement.

The Seventh Circuit's opinion chiefly reviews the district court's assessment of the evidence on risk and relief. Petitioners, however, provide an unbalanced description of that evidence and of what the lower courts did. A counterstatement follows.

A. The Merits Litigation

The merits litigation in this case began in January 1978 with the filing of *McBride et al. v. BN* (N.D. Ill.). It settled in November 1983. *In re Burlington Northern, Inc. Employment Practices Litigation*,[1] 810 F.2d 601, 603 (7th Cir. 1986), *reprinted in* Pet. App. A1, A2. Petitioners, along with lawyers from the EEOC, were lead counsel for a class of black plaintiffs who charged that BN and its labor unions had violated Title VII. *EEOC v. Burlington Northern, Inc.*, 618 F. Supp. 1046, 1049 (N.D. Ill. 1985), *reprinted in* Pet. App. C1, C6.

In late 1978, the *McBride* plaintiffs moved for class certification; at about the same time, the EEOC moved to intervene as a plaintiff. Within months, the district court certified a broad "across-the-board" class and permitted the Commission to intervene. 618 F. Supp. at 1049, 1058; Pet. App. at C5-6; C23.

By early 1979, BN's employment practices had become a popular target. Eleven different lawyers or firms, representing fourteen different black plaintiffs, ultimately filed private Title VII suits against the company. This forced BN to seek multi-district consolidation, which was granted in April 1979. Various pending suits were consolidated with *McBride* in the Northern District of Illinois. 618 F. Supp. at 1050, 1062; Pet. App. at C5-6; C30.

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[1] The petition for writ of certiorari will be cited as "Pet. ——." The petitioners' appendix will be cited as "Pet. App. ——." Plaintiffs' fees hearing exhibits are cited as "PX ——", defendant's as "DX ——." The transcript of the fees hearing is cited as "Tr. ——." Other items are cited with a title, date, and page number.

Along with petitioners, the EEOC played a significant role throughout the merits litigation. In fact, the Commission had been investigating BN's employment practices three and one half years before *McBride* was filed. 618 F. Supp. at 1048-49; Pet. App. at C4. Over the five year course of *McBride*, thirteen attorneys and nine legal assistants from the Commission participated,[2] and the Commission shouldered about $675,000 in expenses. 618 F. Supp. at 1051; Pet. App. at C10. It was the EEOC that referred William E. McBride and his colleagues as clients to Davis, Miner, Barnhill & Galland, one of the petitioners here. (Tr. 301)

Consistent with the case scope plaintiffs sought, discovery was extensive. Most of it was conducted by the plaintiffs. Petitioners have said that the results of this discovery were "spectacularly useful."[3] They have said they developed "overwhelming proof of plaintiffs' allegations," including 'damaging admissions," "admissions of intentional discrimination," "excellent results" in depositions, and company officials turning " 'states evidence' ".[4]

B. Merits Settlement

According to one of petitioners' experts, this was a "classic case . . . in which the parties both benefit from getting together and settling"; it offered, he said, "perfect questions for settlement." (Michaelson Dep. 52-56). Plaintiffs began the settlement process four years into the suit, when they made their first offer, demanding $60 million and wide-ranging injunctive relief. (Tr. 275-7) This led to extended negotiations beginning in August 1983. (Tr. 224-5) By October 1983, a week or so before

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[2] EEOC Response to BN's Interrogatories on Fees and Expenses, Question 3 (July 3, 1984).

[3] Memorandum in Support of Lead Counsels' Application for Fees and Costs at 10 (May 25, 1984).

[4] *Id.* at 10, 12, 15, 17; Tr. 265-69.

trial, the parties had agreed on a way to resolve a substantial portion of the case. (Tr. 226-7) In early November 1983, the day before trial was to begin, the parties agreed on a Consent Decree settling the entire case (Tr. 227-25).

The Decree, which received final approval in April 1984, settled all the cases consolidated in MDL 374. In return for a release of all class members' claims, BN agreed to pay $10 million—between $500 and $1,000 per class member.[5] The decree also contains formulas for what have proven to be relatively low hiring fill rates. It includes other injunctive relief which has changed BN's employment practices very little.[6]

C. The Fees Litigation

The Decree provided that BN would pay reasonable fees and costs for the litigation it resolved. Therefore, in May 1984, various counsel and the EEOC filed thirteen petitions for such awards. All were settled except petitioners'. 618 F. Supp. at 1051; Pet. App. at C10. Petitioners asked for $6.8 million in fees and $1 million in expenses. They sought a 3.5 multiplier and an effective average hourly rate for lawyers of over $540.[7] BN contended this fees claim was too high, because it was based on excessive lodestar hourly rates and an unjustified multiplier. The company did not, however, contest the hours or expenses claimed by petitioners.

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[5] Lead counsel estimated that there were between 10,000 and 20,000 class members. (Tr. 281-82). Actual distributions averaged about $1,500, since only about 7,000 to 8,000 class members who filed claims were eligible for money. Over half the class got nothing. 618 F. Supp. at 1058; Pet. App. at C23; Tr. 156-58; 281-82.

[6] DX-F; Tr. 388-89; Decree, 7-10; Implementing Agreement No. 2 (March 19, 1984).

[7] Memorandum in Support of Lead Counsels' Application for Fees and Costs at 43-46 (May 25, 1984).

After six months of discovery, the district court held a three day fees hearing in November 1984. BN and petitioners presented lay and expert witnesses and exhibits. Petitioners continued to pursue a very large award, though they did reduce the multiplier they sought from 3.5 to 2.5. 618 F. Supp. at 1053; Pet. App. at C12-13.

On September 20, 1985, the district court issued its opinion, awarding petitioners $2.18 million in fees. Despite saying that "there is some merit in Burlington's contention that the hourly rates sought by lead counsel are too high" (618 F. Supp. at 1054; Pet. App. at C16), the court awarded the rates sought, which mostly ranged between $160 and $180 per hour. They were, the court said, "the top hourly rate [petitioners] . . . have ever been paid by clients or awarded by a court . . .," and were "the top they can request." 618 F. Supp. at 1061; Pet. App. at C29.

The district court denied petitioners' request for a multiplier. After recounting the parties' positions on the relief achieved (618 F. Supp. at 1056-57; Pet. App. at C19-20) it concluded that, for a variety of reasons, the result embodied in the Decree was not so "exceptional" as to justify fees enhancement. 618 F. Supp. at 1058-60, 1064; Pet. App. at C20-28, C35.

The district court also concluded that "lead counsel have not met the required burden" to prove that the risk of contingency made this a case warranting an addition to lodestar fees. 618 F. Supp. at 1062; Pet. App. at C31. In doing this, the district court considered, but was not persuaded by, evidence that lawyers would abandon plaintiffs' Title VII practice if enhancement were not added to a fees award already made large by high hourly rates. 618 F. Supp. at 1061-62. Pet. App. at C29-31.

The court of appeals affirmed the district court's denial of a multiplier, holding that the trial judge had properly considered evidence bearing on both relief and risk. 810

F.2d at 604-05; Pet. App. at A5-6. On each point, the Seventh Circuit was unwilling to find an abuse of discretion in the district court's conclusion that the evidence did not warrant enhancement. 810 F.2d at 607, 608; Pet. App. at A10-11, A-12-13. Petitioners sought *en banc* rehearing, but their request was denied in February 1987. 810 F.2d at 611-12 *reprinted in* Pet. App. B1-3.

REASONS FOR DENYING THE WRIT

Petitioners' claim that this case involves important legal questions is based on an inaccurate account of the lower courts' decisions and on a misleadingly selective description of the evidence. In fact, by granting and affirming a $2.18 million fees award, the lower courts acted in a manner consistent with the views expressed by a majority of the members of this Court in *Pennsylvania v. Delaware Valley Citizens' Council for Clean Air*, No. 85-5 (U.S., June 26, 1987) (slip opinion) (*"Delaware Valley II"*), and with this Court's attorneys fees opinions before *Delaware Valley II*.

The district court received from both sides a mountain of evidence on the risks of contingent representation—in this case and generally—and on the results. It considered arguments covering all of the issues addressed in *Delaware Valley II*. Based on all this, the district court concluded, in light of the high hourly rates it awarded, that lodestar fees constituted a reasonable award without additional enhancement. The Seventh Circuit was unwilling to disturb the trial court's conclusions, finding them supported by evidence in the record. Petitioners have no substantial legal basis for their self-professed goal of "making a large fee larger."[8] Their factual disagreements with the lower courts do not warrant review by this Court.

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[8] Lead Counsels' Brief to the Seventh Circuit at 18 (January 21, 1986).

ARGUMENT

I. PETITIONERS MISCHARACTERIZE THE RECORD AND WHAT THE LOWER COURTS DID

Since there must be "special and important reasons" for this Court to grant a writ of certiorari,[9] petitioners work hard to characterize the decisions below as arbitrary, misguided, and wrong. In doing so, however, they describe decisions the lower courts never made.

A few examples of petitioners' inaccuracy will suffice. Petitioners suggest, for instance, that the court of appeals made district court rulings on risk enhancement "unreviewable" (Pet. Br. at i, 11); in fact, the Seventh Circuit *did* explicitly review the district court's conclusions on that point. 810 F.2d at 605, 608; Pet. App. at A6-7, 11-13. Similarly, petitioners say the lower court decisions in this case make risk enhancement unavailable (Pet. Br. at 7, 12);[10] in fact, the district court indicated (and the Seventh Circuit did not deny) that such compensation was available in appropriate cases,[11] and it described with great approval a case in which a risk

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[9] Sup. Ct. Rule 17.1.

[10] Petitioners say "The district court . . . refused to apply a multiplier as a matter of law." Pet. Br. at 12. They also say "The court below [the Seventh Circuit] . . . appear[s] to hold that there is never a right to receive a multiplier as compensation for having undertaken risk." *Id.* at 7. As the next footnote shows, those claims are just plain wrong.

[11] The district court wrote that "*Of course,* the size of the settlement is not the only feature of this case [bearing on enhancement]. *Consistent with this notion* lead counsel argue that the risk they took [justifies a multiplier]" 618 F. Supp. at 1061; Pet. App. at C28 (emphasis added). After a lengthy discussion, the court held that "lead counsel have not met the required burden" on this point, 618 F. Supp. at 1062; Pet. App. at C31. The Seventh Circuit affirmed this disposition under Fed. R. Civ. Pro. 52(a); it did not question the district court's legal position on risk enhancement 810 F.2d at 606-609; Pet. App. at A8-14.

bonus was given. 618 F. Supp. at 1062-64; Pet. App. C31-35. In these and other ways, the petition misstates what the lower courts held, in an effort to convert petitioners' failure to meet proof burdens into supposed legal error.

Petitioners' one-sided account of the record has the same apparent purpose. By mentioning only evidence favorable to their position, petitioners create the impression that the lower courts could have only acted on erroneous views of the law. In fact, BN made a substantial presentation on each of the factual issues in the case. Thus, it is *not* true, as petitioners claim, that the "uncontradicted" evidence showed they had less than an even chance of prevailing (Pet. Br. at 3, 12-13); in fact, BN presented substantial evidence and argument that this case was not markedly risky.[12] It is likewise false for petitioners to suggest that some of their attempts to prove the relief here "truly exceptional" were "uncontraverted". Pet. Br. at 14-16, n.6. Once again, BN made an extensive presentation on why the relief achieved, while fair and adequate, was not "exceptional" and was mostly a product of the class' size.[13]

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[12] A summary of BN's evidence on that score covers eleven pages of the company's brief before the Seventh Circuit. See BN's Seventh Circuit Brief at 26-37 (February 20, 1986).

[13] See BN's Seventh Circuit Brief at 41-44. Petitioners' account of the evidence is flawed in other ways. For example, petitioners repeat the canard that a 1981 shift in Title VII proof from "snapshot" to "flow" statistics created great risk (Pet. Br. at 9), even though BN has repeatedly pointed out that this Court endorsed both kinds of proof in 1977, well before *McBride* was filed. See *Hazelwood School District v. United States*, 433 U.S. 299, 308 n.13, 309-13 (1977). In addition, it is wrong to say that Professor Frank Easterbrook's affidavit was "completely ignored" by both lower courts or to imply that it was unrebutted (Pet. Br. at 8, 9-10). Similarly, it is at least misleading for petitioners to retail their experts' "$57.5 million" appraisal of part of the settlement (Pet. Br. at 4) without mentioning that the district court found that esti-

This Court, of course, need not resolve such factual battles. The lower courts have done that three times. But to evaluate whether there are legal questions warranting review, it is essential to know that BN presented persuasive evidence on risk and relief, and that the lower courts carefully considered both sides' evidence. Petitioners lost their enhancement arguments on the facts, not because either lower court held such enhancement unavailable as a matter of law.

II. DENIAL OF THE WRIT IS CONSISTENT WITH THIS COURT'S RECENT *DELAWARE VALLEY* DECISION AND WITH ITS PRIOR FEES OPINIONS

In *Pennsylvania v. Delaware Valley Citizens' Council for Clean Air*, No. 85-5 (U.S., June 26, 1987), ("*Delaware Valley II*"), this Court extensively analyzed the logical and legal implications of attorneys fees risk enhancement. Though the members of the Court took a variety of paths in that case, the destination reached by five Justices—that is, reversal of a risk multiplier award—shows that the petition here should be denied.

In *Delaware Valley II*, the respondent attorneys sought risk-based fee enhancement by offering proof that their contingent representation had succeeded in the fact of "new and novel issues,"[14] defense intransigence, and other "unusual difficulties."[15] This proof convinced the district judge that a multiplier was justified, but it was held insufficient by a majority of this Court. Five Justices concluded that, because the proof in *Delaware Val-*

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mate to be of "very little" value and implied that it verged on "attorney fees puffery." 618 F. Supp. at 1059-60; Pet. App. C26-27. There are many other such examples in the petition.

[14] *Delaware Valley II*, concurrence at 4, quoting the district court's opinion at 581 F. Supp. 1412, 1431 (E.D. Pa. 1984).

[15] *Delaware Valley II*, concurrence at 4; see also *id.*, plurality at 2-3.

ley II concerned matters unrelated to risk or adequately compensated in a lodestar award,[16] the enhancement ordered should be reversed.

In this case, petitioners have offered much the same evidence. They have claimed that BN "spare[d] no expense" in its defense and "sought to wear down plaintiffs and their counsel." Pet. Br. at 10, 15. They have argued that the case presented new and everchanging issues. *Id.* at 8-9. And—like the respondents in *Delaware Valley II*—they have made much of the fact that they took what they say was a very risky case on a contingent basis.

In *Delaware Valley II*, such arguments, even though persuasive to the district court, did not justify risk enhancement—or even reconsideration of such enhancement—for five members of this Court. In *this* case, petitioners' proof, when rebutted by BN, did *not* persuade the district court. Having failed in their factual proof, petitioners should not be more favorably treated than were respondents in *Delaware Valley II*, who at least succeeded at the trial level on the selfsame issues.

There is another way in which denial of the petition is consistent with *Delaware Valley II*. Five Justices in that case concluded that risk enhancement might be called for "in selected cases." Dissent at 22. Each of the two opinions joined by those five Justices identifies factors that might bear on whether risk enhancement should be provided. Petitioners and BN offered evidence on virtually all of those points, and still the district court found enhancement unnecessary.

The concurrence in *Delaware Valley II*, for example, agrees with the plurality that "no enhancement for risk is appropriate unless the applicant can establish that without an adjustment for risk the prevailing party 'would have faced substantial difficulties in finding coun-

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[16] *Id.* plurality at 18; concurrence at 4.

sel.'" Concurrence at 4. In this case, however, the evidence showed no lack of lawyers willing to sue BN: Mr. McBride and his colleagues were referred by the EEOC to the Barnhill firm, which took their case (Tr. 301), and, as the district court specifically found,

> So many lawyers . . . were willing to represent complaining Negro employees of the railroad and so many suits were filed in different United States district courts against it, that Burlington had to seek relief from the Multi-District Litigation Panel. 618 F. Supp. at 1062; Pet. App. at C30.

The district court also received testimony from petitioners' experts[17] on what the *Delaware II* concurrence called the way "the relevant market [would] compensate [] for contingency."[18] But, after also considering BN's cross-examination, argument, and rebuttal, the district court was unpersuaded by those experts' views, and concluded that rates mostly ranging between $160 and $180 per hour for every hour claimed constituted reasonable compensation, even taking risk into account.[19] See 810 F.2d at 608; Pet. App. at A12-13.

Finally, the district court found that a multiplier like that sought by lead counsel was not, as the *Delaware Valley II* concurrence put it, "necessary to bring the fee

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[17] Tr. 62-65, 62-83, 105-22 (Testimony of Thomas Sullivan); Lead Counsel's Proposed Findings of Fact and Conclusions of Law at 36-39 (February 27, 1985).

[18] Concurrence at 3. See also dissent at 21.

[19] Notably, no opinion in *Delaware Valley II* prescribes lodestar enhancement as the *exclusive* means of compensating risk. The Justices who endorse the possibility of such compensation require only that a district judge consider risk and fashion an award "reasonable" in light of it. As the dissent in *Delaware Valley II* seems to recognize, basic hourly rates—especially high ones—can do that in whole or part. See dissent at 6, n.4. In that sense, what the lower courts did here is entirely consistent with *Delaware Valley II*.

within the range that would attract competent counsel". Concurrence at 3. In the words of the Seventh Circuit, the district court was not persuaded by

> the lead counsel's evidence claiming that the risks of Title VII litigation in general were such that multipliers were necessary to attract competent counsel. 810 F.2d at 605; Pet. App. at A6.[20]

This Court, of course, is not a place to reargue the evidence. Instead, the critical point is that petitioners offered evidence on the risk related points held insufficient, *and* those viewed as significant, by a majority of the Court in *Delaware Valley II*.[21] BN offered extensive rebutting evidence and argument. The district court considered it all, concluded that risk enhancement was not called for, and found that a $2.18 million lodestar fees award was "reasonable" compensation. 618 F. Supp. at 1068; Pet. App. at C44. The court of appeals affirmed that finding because it was not an abuse of discretion. 810 F.2d at 608; Pet. App. at A12-13.

The fact of the matter is that petitioners got a full opportunity to prove their contentions on risk, but were unsuccessful. They were not encumbered by a narrow

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[20] The district court's specific finding on this point is at 618 F. Supp. at 1061; Pet. App. at C30 ("[I]t is just not true that unless lead counsel are given the 2.5 multiplier they request . . . competent lawyers in Title VII cases will be discouraged from undertaking representation of persons with such civil rights grievances.")

[21] The dissent in *Delaware Valley II* also suggests that some factors may reduce the need for contingency enhancement. One of those is the presence of other firms to which risk can be spread. Dissent at 17-18. Here, there were two principal law firms and a number of tagalong lawyers representing plaintiffs; more important, the EEOC provided staff and financial assistance, and its very presence reduced certain legal risks. See BN's Seventh Circuit Brief at 27 (February 20, 1986).

or erroneous view of the law.[22] There is nothing in this basically factual dispute warranting review by this Court.[23]

III. THE SEVENTH CIRCUIT'S REFUSAL TO DISTURB A FINDING THAT THE RELIEF HERE WAS NOT "EXCEPTIONAL" DOES NOT JUSTIFY REVIEW BY THIS COURT

Petitioners also briefly contend that there is an important legal issue lurking in the Seventh Circuit's affirmance of the district court's failure to be persuaded by their arguments on the quantity of relief. Pet. Br. at 14-15.

In fact, the court of appeals' action on this point did not establish new or aberrant law. The Seventh Circuit was guided solely by the standard set out in *Pennsylvania v. Delaware Citizens' Council for Clean Air*, 106 S.Ct. 3088 (1986) and *Blum v. Stenson*, 465 U.S. 886 (1984): even excellent success does not justify enhancement, but, in "rare" cases, the attainment of "exceptional" success may do so. See 810 F.2d at 606-08; Pet. App. at A9-11. Under that legal standard alone, the court of appeals affirmed. It added not a word to the law on result based fees enhancement.

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[22] The Seventh Circuit's opinion relies on the Court's explicit holding in *Blum v. Stenson*, 465 U.S. 886 (1984) and *Pennsylvania v. Delaware Valley Citizens' Council for Clean Air*, 106 S. Ct. 3055 (1986) that lodestar fees are presumptively the reasonable award contemplated by fees statutes, 810 F.2d at 606-08, 611; Pet. App. at A9-11, B2. That holding is not overruled by *Delaware Valley II*, and seems to represent the views of a majority of the Court (plurality at 16; concurrence at 3-4). The continuing vitality of the *Blum/Delaware Valley I* presumption underscores the fact that petitioners' problems are caused by failures of proof, not errors of law.

[23] The Petition asks alternatively that this case be remanded on the question of risk enhancement (Pet. Br. at 7). That would be inadvisable because, as shown, it would be at odds with the disposition of *Delaware Valley II*. In addition, as also shown, the issues discussed in that case have already been the subject of proof, argument, and consideration below.

Petitioners criticize the district court for comparing the Consent Decree to truly exceptional outcomes in other cases. They suggest that the Seventh Circuit's affirmance of that approach created an unattainable standard for exceptional success. Pet. Br. at 14-15.

Petitioners are wrong. To begin with, it does not seem improper to determine whether a given result is exceptional by judging whether it resembles outcomes that really were. More important, the comparison petitioners attack was not the district court's only basis for its finding on relief. The court also considered the kind of remedies achieved, the average payout to class members, and the probable impact of the Decree. 618 F. Supp. at 1056-60, 1062-64. Pet. App. C20-28, C31-35. It could scarcely have done more.

There are few questions more factual than whether the result in a given case is "exceptional." The trial judge, especially one who has managed a case for years and knows it intimately, is uniquely well qualified to make that determination. Here, both lower courts thought the outcome was commendable. They did not think, as do petitioners, that it was "exceptional." The difference between those two characterizations, however, does not warrant review by this Court.

CONCLUSION

The petition for certiorari should be denied.

Respectfully submitted,

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